IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REV. APPLICATION NO.252 OF 2002

Umesh Prataprai Mehta .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.Kailas Mone i/b.J.S.Kini & Co. for applicant

Mr.Y.M.Nakhwa, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 7th December 2006.

P.C.

. Learned Advocate holding for Mr.J.S.Kini seeks time to take instructions from the applicants. He states that the revision

application is directed against an order passed dismissing Criminal Case No.97/C/01. The learned Judge has observed that insofar as the same incident and allegations are concerned, the Police have recorded crime and charge sheet is filed against the accused No.1 vide C.C. 586/P/00. The matter is sub-judice. In such circumstances, there was no warrant for commencing investigation at the instance of the present applicant complainant by directing police to make a report. Accordingly, learned Magistrate refused to exercise his powers under section 156(3) of Cr.P.C. I see no reason to grant the request for adjournment which is accordingly rejected.

2. The exercise at the instance of the complainant would have been completely futile, is the opinion in the above facts and circumstances. That apart, reasons have been assigned as to why learned Judge does not feel it proper to direct

investigations and exercise his powers under section 203 of Cr.P.C.

3. There is no error apparent or perversity pointed out so also the order does not suffer from any material irregularity, resulting in manifest injustice. It does not call for interference in revisional jurisdiction. Application dismissed.

(S.C.Dharmadhikari, J)